

SPECIAL MEETING OF BERKELEY COUNTY COUNCIL

Chairman: Mr. James H. Rozier, Jr.

A **SPECIAL MEETING OF BERKELEY COUNTY COUNCIL** was held on Monday, July 1, 2002, in the Assembly Room of the Berkeley County Office building, 223 North Live Oak Drive, Moncks Corner, South Carolina, at 6:17 p.m.

PRESENT: Mr. James H. Rozier, Jr., Supervisor, Chairman; Mrs. Judith K. Spooner, Council Member District No. 2 and Vice Chairman of County Council; Mr. Milton Farley, Council Member District No. 1; Mr. William E. Crosby, Council Member District No. 3; Mr. Charles E. Davis, Council Member District No. 4; Mrs. Judy C. Mims, Council Member District No. 6; Mr. Caldwell Pinckney, Council Member District No. 7; Mr. Henry L. Richardson, Council Member District No. 8; Ms. Nicole Scott Ewing, Deputy County Attorney; Ms. Barbara B. Austin, Clerk to County Council. Mr. Steve M. Vaughn, Council Member District No. 5 was excused.

The requirements of the Freedom of Information Act have been complied with by posting the time, date, place and copy of Agenda of this Special Meeting of Berkeley County Council at the entrance to the Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina, and a copy of such notice was mailed to all Council Members and the News media.

Chairman Rozier called the meeting to order.

Public Discussion:

Mr. John Ewing, 126 Penzance Blvd., Goose Creek, St. Ives Subdivision. Mr. Ewing addressed Council with questions regarding the Devon Forest Special Tax District (STD) what was the purpose for the insurance, the function of the contingency fund, and the Development Fund? Additionally, the County Treasures' Office has a total of 508 units that should have paid taxes as of end of 2001. The fee is \$25 for an unimproved lot and \$50 for an improved lot.

Chairman Rozier indicated that not everyone pays their . The County generally has a collection rate of approximately 98%.

Mr. Ray Jindrak, 120 Kings Bridge, Goose Creek, president of the Buxton Subdivision Homeowners Association in the Devon Forest STD. Mr. Jindrak asked that the Devon Forest STD budget be tabled until August or until such time that they can meet with STD Board in regards to administrative cost.

Chairman Rozier explained that a Resolution could be signed allowing the Devon Forest STD to continue to conduct business and pay utilities until the 2002-2003 budget is finalized.

Ms. Debbie Royal, member of the Devon Forest STD explained the budget as follows:

Operating Expenses Utilities: *Berkeley Electric*, the large sum is there because the STD had requested that Berkeley Electric Cooperative install additional lamps along the Boulevard.

Community Maintenance: *Grounds and Maintenance* is clear.

General and Administrative: *Stamps/Office Supplies/Newsletter printing* had never been a part of the budget until this year (2002-2003).

Legal Expenses: *CPA* pays the STD's taxes at years end; *Licenses* are required at \$25 per subdivision; *Bookkeeping Fees*, the bookkeeper pays the bills as directed by Ms. Royal; *Bank Services Charges*, is an estimate of what was paid in the past; *Year-End taxes*, is an estimate of what was paid in the past.

Miscellaneous Expenses: *Insurance*, the Tax Commission was instructed they need insurance for each member in the instance they were sued. One of the Tax Commission members called and learned they need liability insurance on the Homeowner Committee members as well. This is all new for this year (2002-2003); *Devon Forest Common Area Development Fund*, is for large projects, i.e., sidewalks, sprinkler system, etc.

Contingency Fund: is new for 2002-2003, any monies not spent will go into this fund and carried over to the next year.

Ms. Royal concluded there was nothing devious or underhanded done while preparing this budget. The **Total Estimated Budget** was gotten from the check that was issued from the Treasure's Office.

Ms. Nicole Ewing, Deputy County Attorney, reported that Mr. D. Mark Stokes, County Attorney and Mr. Ted Austin, County Risk Manager, researched the matter and found that the Tax Commission itself did not need any liability insurance because it does not own any property, it is just the umbrella organization for the funding. Any suits brought against them would be handled under the County's Faithful Performance Umbrella Bond. As for the Homeowners Association Members that are incorporated, corporation law would come into effect protecting any individuals from suits.

Mr. John Ewing asked if the ponds in the St. Ives Subdivision would be covered under the Grounds Maintenance/Landscaping?

Ms. Royal indicated they would not be.

Ms. Royal stated there is an issue that it was going to add an additional \$2000 to the maintenance program. The STD had suggested to the St. Ives Homeowners Association to get with the builder Tim Cook. Mr. Cook sold the properties with the idea they would be overlooking a pond, when in fact Mr. Cook was required by the EPA to put the ponds in the subdivision as retention ponds. The STD wants to know if these are a part of the STD responsibility or are they are part of the wetlands in Berkeley County?

Councilmember Spooner explained she lives where there is a pond across the street and everyone mows around it. The pond does not belong to the homeowners; it is a part of a corporation. At different times they have had it sprayed at a cost of \$20 per homeowner.

Mr. Ewing stated he was not concerned with the contents of the pond. He would just like the STD to supply the funding for someone to come and mow around it once a month.

Chairman Rozier explained that is an issue that the STD Commission would have to make a recommendation on.

Chairman Rozier expressed what often happens with those sort of ponds is that a developer stops paying the taxes on them. If someone does not purchase the property at the County tax sale it goes to the Forfeit Land Commission; it is then in "No Mans Land."

Ms. Royal, stated she would talk with the landscaper and find out what the additional cost would be to mow around the pond.

Councilmember Crosby expressed that more information as to the issue of easement would probably be of a great help. It needs to be clearer as to whose responsibility it is to clean/clear out the easements.

Ms. Royal indicated it is stated clearly in the covenant that it is the homeowners' responsibility.

Ms. Nicole Ewing, as a homeowner in St. Ives, explained that she had contacted DHEC and spoke with Neil DeSai in the OCRM department (Office of Coastal Resource Management). In order to get the ponds, the developer Tim Cook, had to sign a pond maintenance agreement with OCRM. The Homeowners Association, per the maintenance agreement, is responsible for the upkeep of the ponds. According to everyone that she has contacted it is the Homeowner's Association's responsibility to maintain the ponds.

Chairman Rozier asked Ms. Ewing to do a Continuing Resolution for the Devon Forest Special Tax District and requested a Special Meeting for Monday, July 8, 2002, so that the STD can continue to pay their utilities. Mr. Rozier stated there would be a meeting arranged to discuss this matter with members of the STD Board.

RESOLUTION:

1. A **Resolution** approving the Bylaws of the **Devon Forest Special Tax District**.
This item was held.

UNFINISHED BUSINESS:

Chairman Rozier: “There was a question at last weeks meeting about Codes Enforcement, which prompted Robbie Metts and myself to do a little exploring in Codes Enforcement to give ya’ll some information as to what is happening in Codes Enforcement for the last twelve (12) months. *(Mr. Rozier gave each member of Council a listing of the information he is referring to, which is attached hereto and made apart thereof by reference.)* On the first page you will notice by district the number of inspections that we have made on Codes Enforcement Complaints:

District #1	Mr. Farley	400
District #2	Ms. Spooner	87
District #3	Mr. Crosby	2051
District #4	Mr. Davis	808
District #5	Mr. Vaughn	449
District #6	Ms. Mims	427
District #7	Mr. Pinckney	272
District #8	Mr. Richardson	351

Of those, we have completed percentage wise, the following justifiable complaints:

District #1	86%
District #2	92%
District #3	90%
District #4	85%
District #5	78%
District #6	64%
District #7	49%
District #8	51%

My point is if you look at the number of inspections 4845 with only three (3) Codes Enforcement Officers, that’s 93 inspections per week. We only have pending 399 of those 4845 inspections, the rest have been settled. We also would like to report that we only wrote 28 tickets the whole time. So, our Codes Enforcement Officers are solving the problems without having to take people to court. That is admirable that they are able to do that. If there is a problem with these numbers somebody needs to explain it to me because it looks like they are doing a pretty good job and doing it in a way that seems not to be making people very angry and seems to be solving the problem. I have not located a list that we were supposed to have received three (3) months ago. Nobody in my organization seems to know about that list, and nobody has any recollections of ever receiving it. I just wanted to give you this information, and if you ever have questions about Codes Enforcement we would be happy to answer those questions.”

Councilmember Crosby: “I have no complaints, they do a good job in my district.”

Chairman Richardson: “The complaint is just a telephone call, and then you go out and do it?”

Chairman Rozier: “It can be a call or a letter. It can be a call from a citizen or a Councilmember, either one. It could just be our Codes Enforcement are out in the area and see something to deal with. You can have a complaint or a concern and investigate it and find there is a problem, you issue a verbal warning and then a written warning second, then whatever the process is, but you may make four (4) or five (5) inspections on one complaint. So it is not just one inspections per complaint.”

Councilmember Crosby: “They have to go out quite a bit because they give them thirty (30) days, and then they go back and check them. Then they take them to court and the court gives them thirty (30), sixty (60), ninety (90) days, and then they have to go back after that. It’s a long process.”

Chairman Rozier: “It’s a long process it really is, and I think that is where some people get really upset and concerned. When they give you a complaint they expect something to be done within twenty-four (24) hours, and it simply doesn’t work that way. Sometimes you go out and tell them the problem and they deal with it immediately, but that’s not generally the case. The case generally is, it takes some time to get it done. We have three (3) young ladies in that department that do an excellent job. I am convinced at this point that young ladies can to a better job at Codes Enforcement than men can because people don’t seem to get as cantankerous with them as they do men. I might also add that with this 4845, 93 per week, that one (1) of the young ladies has been out with cancer treatments a good part of this year. Our Plans Inspector was out with a medical problem and one of the Codes Enforcement Officers filled in for that position for eight (8) weeks, so we haven’t had all three (3) of the Codes Enforcement Officers every week of the year. It has been a situation where with the Codes Enforcement Officers we have run short of people from time to time.”

It was moved by Councilmember Spooner and seconded by Councilmember Crosby to adjourn the Special meeting of Council. The motion was passed by unanimous voice vote of the Council.

The meeting was adjourned at 7:00 p.m.

S/Barbara B. Austin
Clerk of County Council

August 26, 2002
Date Approved

NOTICE OF SPECIAL MEETING OF BERKELEY COUNTY COUNCIL

Chairman: Mr. James H. Rozier, Jr., Supervisor
Vice Chairman: Mrs. Judith K. Spooner, District No. 2

Members: Mr. Milton Farley, District No. 1
Mr. William E. Crosby, District No. 3
Mr. Charles E. Davis, District No. 4
Mr. Steve M. Vaughn, District No. 5
Mrs. Judy C. Mims, District No. 6
Mr. Caldwell Pinckney, Jr., District No. 7
Mr. Henry L. Richardson, Jr., District No. 8

There will be a **SPECIAL MEETING** of **BERKELEY COUNTY COUNCIL** on **Monday July 1, 2002**, in the Assembly Room, Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina, following the meeting of the Committee on Water and Sanitation, the meeting of the Committee on Human Services, and the meeting of the Committee on Community Services at **6:00 p.m.**

A G E N D A

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

PUBLIC DISCUSSION – Requests to be heard must be made prior to Call to Order and comments must be limited to Agenda items being considered for final action.

EXECUTIVE SESSION to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the county; or the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the County in other adversary situations involving the assertion against the County of a claim.

THIRD READING:

1. **Bill No. 02-18**, an **Ordinance** providing for the fiscal year beginning July 1, 2002, and ending June 30, 2003, for the **Devon Forest Special Tax District** operational budget; and to provide for the expenditures of the revenues received by the Devon Forest Special Tax District during the fiscal year.

[Recommended by Committee on Finance]

RESOLUTIONS:

1. A **RESOLUTION** approving the Bylaws of the **Devon Forest Special Tax District**.

[Recommended by Committee on Finance]

ADJOURNMENT

PUBLIC DISCUSSION

June 26, 2002

S/Barbara B. Austin

Clerk to County Council